

The 28th February, 1995

No. 14/13/87-6Lab/237.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/S Colts Engineering Industries, Plot No. 36, Sector 4, Faridabad *versus* Gopal Rana.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,  
LABOUR COURT-II, FARIDABAD

Reference No. 131 of 1994

*between*

THE MANAGEMENT OF M/S. COLTS ENGINEERING INDUSTRIES,  
PLOT NO. 36, SECTOR 4, FARIDABAD

*and*

THE WORKMAN NAMELY, SH. GOPAL RANA C/O SH. SUNEHARI LAL  
CHAIRMAN, DISTT. LABOUR CELL, CONGRESS COMMITTEE (I)  
AHIRWADA, BALLABGARH

*Present :*

None, for the workman.

Sh. R. C. Dutta, for the Management.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this Court, for adjudication,—*vide* Haryana Government, Endorsement No. 20057—62, dated 19th May, 1994:—

Whether the termination of services of Shri Gopal Rana is legal and justified. If not, to what relief, is he entitled to ?

2. Notice was sent to both the parties for appearance. Sh. Sunehari Lal appeared for the workman. Sh. S. K. Bakshi appeared for the management. The case was adjourned for filing of claim statement on 10th November, 1994. However, none appeared on behalf of the workman on that date and so it was ordered that the workman may be proceeded against *ex parte*.

3. On 3rd January, 1995 authorised representative for the workman submitted an application for setting aside *ex parte* proceedings dated 10th November, 1994. However, on 24th January, 1995 Sh. Sunehari Lal, authorised representative for the workman did not press for his application to set aside the *ex parte* proceedings having failed to contact the workman. Consequently, the application was dismissed.

4. In the aforesaid circumstances, the management was directed to file affidavit in *ex parte* evidence.

5. Sh. R. C. Dutta, authorised representative of the management has filed affidavit stating therein that the workman was appointed for temporary job with effect from 19th February, 1993 as Assistant Turner on monthly wages of Rs. 1,300 p.m. His temporary job came to an end with effect from 12th May, 1993 and the workman took his full and final dues after signing on the register. That being so, the relationship of employer and employee came to an end.

6. It is clear from the position mentioned above that the workman had not rendered service for a continuous period of 240 days with the management prior to the termination of his services. Thus, the termination of services by the management is legal and valid. Consequently, the workman is not entitled to any relief. The award is passed accordingly.

U. B. KHANDUJA,

Dated 30th January, 1995.

Presiding Officer,  
Labour Court-II, Faridabad.

Endorsement No. 161, dated the 31st January, 1995.

A copy with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,  
Presiding Officer,  
Labour Court-II, Faridabad.